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8 *Attorneys for Plaintiffs*
NUTRAMAX LABORATORIES, INC. and
9 NUTRAMAX LABORATORIES CONSUMER CARE, INC.

10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**
SOUTHERN DIVISION

12 NUTRAMAX LABORATORIES,
INC. and
13 NUTRAMAX LABORATORIES
CONSUMER CARE, INC.,

14 Plaintiffs,

15 v.

16 BODY WISE INTERNATIONAL,
INC.,

17 Defendant.

Case No. 8:18-cv-02076

**[PROPOSED] ORDER
GRANTING MOTION FOR
DEFAULT JUDGMENT AGAINST
DEFENDANT BODY WISE
INTERNATIONAL, INC.**

Concurrently filed with:

1. Notice of Motion and Motion for Default Judgment;
2. Memorandum of Points and Authorities;
3. Declaration of John W. Cox;
4. Declaration of Grace A. Cornblatt

Judge: Hon. David O. Carter
Motion Date: March 4, 2019

1 This action came on for hearing before the Court, on March 4, 2019, at
2 10:00 a.m., the Honorable David O. Carter, U.S. District Court Judge Presiding,
3 on Plaintiffs Nutramax Laboratories, Inc. and Nutramax Laboratories Consumer
4 Care, Inc.'s (collectively, "Nutramax") Motion for Default Judgment Against
5 Defendant Body Wise International, Inc. ("Body Wise"), and the evidence
6 presented having been fully considered, the issues having been duly heard, a
7 decision having been duly rendered, and there being no just reason for delay:

8 **IT IS HEREBY ORDERED AND ADJUDGED** that:

9 Judgment shall be entered for Plaintiffs Nutramax Laboratories, Inc. and
10 Nutramax Laboratories Consumer Care, Inc.'s (collectively, "Nutramax") and
11 against Defendant Body Wise International, Inc. ("Body Wise") as follows:

12 1. Body Wise has infringed upon Nutramax's valid and enforceable
13 patent rights;

14 2. Body Wise's infringement of Nutramax's valid and enforceable
15 patent rights is willful, with the knowledge that Body Wise's actions constitute
16 infringement;

17 3. Body Wise and its officers, agents, and employees, and all those
18 persons in active concert or participation with them who receive actual notice of
19 this Order by personal service or otherwise, are hereby PERMANENTLY
20 ENJOINED from directly or indirectly infringing:

1 a. Nutramax's United States Patent No. 6,797,289 ("the '289
2 Patent") in violation of 35 U.S.C. § 271 by making, using,
3 selling, offering for sale and/or importing products which are
4 covered by the claim of the '289 Patent, including but not
5 limited to Body Wise's Joint Complete product, or any produce
6 that is merely a colorable variation thereof, during the term of
7 the '289 Patent; and

8 b. Nutramax's United States Patent No. 8,753,697 ("the '697
9 Patent") in violation of 35 U.S.C. § 271 by making, using,
10 selling, offering for sale and/or importing products which are
11 covered by the claim of the '697 Patent, including but not
12 limited to Body Wise's Joint Complete product, or any produce
13 that is merely a colorable variation thereof, during the term of
14 the '697 Patent.

15 4. Body Wise is ordered to provide an accounting of its revenues and
16 profits earned from the sale of its infringing Joint Complete products;

17 5. Nutramax is awarded their attorneys' fees in the amount of
18 \$ 20,144.50;

19 6. Nutramax is awarded their costs in the amount of \$ 126.26; and
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1 7. No later than March 18, 2019, Body Wise shall provide an accounting
2 of all sales of its Joint Complete product.

3 IT IS SO ORDERED. LET JUDGMENT BE ENTERED
4 ACCORDINGLY.

5 Dated: _____

6 HONORABLE DAVID O. CARTER
7 U.S. DISTRICT COURT JUDGE
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